

**CECILIO C. HERNANDEZ, MA. VICTORIA C. HERNANDEZ- SAGUN,
TERESA C. HERNANDEZ- VILLA ABRILLE AND NATIVIDAD
CRUZ-HERNANDEZ, PETITIONERS, VS. JOVITA SAN JUAN-SANTOS,
RESPONDENT.**

G.R. No. 166470. August 07, 2009

Ponente: CORONA, J.

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CORONA, J.:

Maria Lourdes San Juan Hernandez (or Lulu) was born on February 14, 1947 to the spouses Felix Hernandez and Maria San Juan Hernandez. Unfortunately, the latter died due to complications during childbirth. After Maria's death, Felix left Lulu in the care of her maternal uncle, Sotero C. San Juan.

On December 16, 1951, Felix married Natividad Cruz. The union produced three children, petitioners Cecilio C. Hernandez, Ma. Victoria C. Hernandez-Sagun and Teresa C. Hernandez-Villa Abrille.

Meanwhile, as the only child of Maria and the sole testate heir of Sotero, Lulu inherited valuable real properties from the San Juan family (conservatively estimated at P50 million in 1997).

Sometime in 1957, Lulu went to live with her father and his new family. She was then 10 years old and studying at La Consolacion College. However, due to her "violent personality," Lulu stopped schooling when she reached Grade 5.

In 1968, upon reaching the age of majority, Lulu was given full control of her estate.[3] Nevertheless, because Lulu did not even finish her elementary education, Felix continued to exercise actual administration of Lulu's properties. Upon Felix's death in 1993, petitioners took over the task of administering Lulu's properties.

During the period of their informal administration (from 1968 until 1993), Felix and petitioners undertook various "projects" involving Lulu's real properties. In 1974, Felix allegedly purchased one of Lulu's properties for an undisclosed amount to develop the Marilou Subdivision.[4] In 1995, Ma. Victoria informed Lulu that her 11-hectare Montalban, Rizal property[5] was under litigation. Thus, Lulu signed a special power of attorney[6] (SPA) believing that she was authorizing Ma. Victoria to appear in court on her behalf when she was in fact unknowingly authorizing her half-sister to sell the said property to the Manila Electric Company for P18,206,400.[7] Thereafter, Cecilio asked Lulu to authorize him to lease her 45-hectare property in Montalban, Rizal to Oxford Concrete Aggregates for P58,500 per month so that she could have a car and driver at her disposal.

In September 1998, Lulu sought the assistance of her maternal first cousin, respondent Jovita San Juan-Santos, after learning that petitioners had been dissipating her estate. She confided to Jovita that she was made to live in the basement of petitioners' Montalban, Rizal home and was receiving a measly daily allowance of P400 for her food and medication.

Respondent was appalled as Lulu was severely overweight, unkempt and smelled of urine. She later found out that Lulu was occupying a cramped room lit by a single fluorescent lamp without running water. Since she had not been given a proper toilet, Lulu urinated and defecated in the garden. Due to Lulu's poor hygiene, respondent brought her to several physicians for medical examination. Lulu was found to be afflicted with tuberculosis, rheumatism and diabetes from which she was suffering several complications.[8]

Thereafter, the San Juan family demanded an inventory and accounting of Lulu's estate from petitioners.[9] However, the demand was ignored.

On October 2, 1998, respondent filed a petition for guardianship[10] in the Regional Trial Court (RTC) of San Mateo, Rizal, Branch 76. She alleged that Lulu was incapable of taking care of herself and managing her estate because she was of weak mind.

Subsequently, petitioners moved to intervene in the proceedings to oppose the same.

Natividad denied that Marilou Subdivision belonged to Lulu. Since she and her late husband were the registered owners of the said property, it was allegedly part of their conjugal partnership.

Cecilio, Teresa and Ma. Victoria, for their part, claimed that the issue of Lulu's competency had been settled in 1968 (upon her emancipation) when the court ordered her legal guardian and maternal uncle, Ciriaco San Juan, to deliver the properties for her to manage.

They likewise asserted that Lulu was literate and, for that reason, aware of the consequences of executing an SPA. Furthermore, whether or not Cecilio and Ma. Victoria acted within the scope of their respective authorities could not be determined in a guardianship proceeding, such matter being the proper subject of an ordinary civil action.

Petitioners also admitted that the property developed into the Marilou Subdivision was among those parcels of land Lulu inherited from the San Juan family. However, because the "sale" between Felix and Lulu had taken place in 1974, questions regarding its legality were already barred by the statute of limitations. Thus, its validity could no longer be impugned, or so they claimed.

During the hearing, Lulu was presented and asked to testify on her genealogy and experiences with the San Juan and Hernandez families. Lulu identified and described her parents, stepmother, half-siblings and maternal relatives. She claimed inheriting tracts of land from the San Juan family. However, these properties were dissipated by the Hernandez family as they lived a "luxurious" lifestyle. When asked to explain this allegation, Lulu said that her stepmother and half-siblings rode in cars while she was made to ride a tricycle.

Medical specialists testified to explain the results of Lulu's examinations which revealed the alarming state of her health.[11] Not only was Lulu severely afflicted with diabetes mellitus and suffering from its complications,[12] she also had an existing atherosclerotic cardiovascular disease (which was aggravated by her obesity). Furthermore, they unanimously opined that in view of Lulu's intelligence level (which was below average) and fragile mental state, she would not be able to care for herself and self-administer her medications.

In a decision dated September 25, 2001,[13] the RTC concluded that, due to her weak physical and mental condition, there was a need to appoint a legal guardian over the person and property of Lulu. Thus, it declared Lulu an incompetent and appointed respondent as guardian over the person and property of Lulu on a P1 million bond.

Petitioners moved for reconsideration asserting that the P1 million bond was grossly insufficient to secure Lulu's P50-million estate against fraudulent loss or dissipation.[14] The motion, however, was denied.[15]

On July 2, 2002, petitioners appealed the September 25, 2001 decision of the RTC to the Court of Appeals

(CA).[16] The appeal was docketed as CA-G.R. CV No. 75760.

On December 29, 2004, the CA issued a decision affirming the September 25, 2001 decision of the RTC (in the petition for guardianship) in toto.[17] It held that respondent presented sufficient evidence to prove that Lulu, because of her illnesses and low educational attainment, needed assistance in taking care of herself and managing her affairs considering the extent of her estate. With regard to the respondent's appointment as the legal guardian, the CA found that, since Lulu did not trust petitioners, none of them was qualified to be her legal guardian. Because guardianship was a trust relationship, the RTC was bound to appoint someone Lulu clearly trusted.

Petitioners now assail the December 29, 2004 decision of the CA in this Court in a petition for review on certiorari docketed as G.R. No. 166470.[18]

Meanwhile, Lulu moved into 8 R. Santos St., Marikina City (Marikina apartment) and was provided with two housemaids tasked to care for her. Sometime in November 2003, Lulu was abducted from her Marikina apartment. Jovita immediately sought the assistance of the Police Anti-Crime Emergency Response (PACER) division of the Philippine National Police.

The PACER subsequently discovered that petitioners were keeping Lulu somewhere in Rodriguez, Rizal. Despite their initial hostility to the investigation, Ma. Victoria and Cecilio subsequently contacted the PACER to inform them that Lulu voluntarily left with Natividad because her guardian had allegedly been maltreating her.[19]

On December 15, 2003, respondent filed a petition for habeas corpus[20] in the CA alleging that petitioners abducted Lulu and were holding her captive in an undisclosed location in Rodriguez, Rizal.

On April 26, 2005, the CA granted the petition for habeas corpus, ruling that Jovita, as her legal guardian, was entitled to her custody. [21]

Petitioners moved for the reconsideration of the said decision but it was denied in a resolution dated July 12, 2005.[22] Aggrieved, they filed this petition for review on certiorari docketed as G.R. No. 169217. This was consolidated with G.R. No. 166470.

The basic issue in petitions of this nature is whether the person is an incompetent who requires the appointment of a judicial guardian over her person and property.

Petitioners claim that the opinions of Lulu's attending physicians[23] regarding her mental state were inadmissible in evidence as they were not experts in psychiatry. Respondent therefore failed to prove that Lulu's illnesses rendered her an incompetent. She should have been presumed to be of sound mind and/or in full possession of her mental capacity. For this reason, Lulu should be allowed to live with them since under Articles 194 to 196 of the Family Code,[24] legitimate brothers and sisters, whether half-blood or full-blood are required to support each other fully.

Respondent, on the other hand, reiterated her arguments before the courts a quo. She disclosed that Lulu had been confined in Recovery.com, a psychosocial rehabilitation center and convalescent home care facility in Quezon City, since 2004 due to violent and destructive behavior. She also had delusions of being physically and sexually abused by "Boy Negro" and imaginary pets she called "Michael" and "Madonna." [25] The November 21, 2005 medical report[26] stated Lulu had unspecified mental retardation with psychosis but claimed significant improvements in her behavior.

We find the petition to be without merit.

Under Section 50, Rule 103 of the Rules of Court, an ordinary witness may give his opinion on the mental sanity of a person with whom he is sufficiently acquainted.[27] Lulu's attending physicians spoke and interacted with

her. Such occasions allowed them to thoroughly observe her behavior and conclude that her intelligence level was below average and her mental stage below normal. Their opinions were admissible in evidence.

Furthermore, where the sanity of a person is at issue, expert opinion is not necessary.[28] The observations of the trial judge coupled with evidence[29] establishing the person's state of mental sanity will suffice.[30] Here, the trial judge was given ample opportunity to observe Lulu personally when she testified before the RTC.

Under Section 2, Rule 92 of the Rules of Court,[31] persons who, though of sound mind but by reason of age, disease, weak mind or other similar causes are incapable of taking care of themselves and their property without outside aid, are considered as incompetents who may properly be placed under guardianship. The RTC and the CA both found that Lulu was incapable of taking care of herself and her properties without outside aid due to her ailments and weak mind. Thus, since determining whether or not Lulu is in fact an incompetent would require a reexamination of the evidence presented in the courts a quo, it undoubtedly involves questions of fact.

As a general rule, this Court only resolves questions of law in a petition for review. We only take cognizance of questions of fact in exceptional circumstances, none of which is present in this case.[32] We thus adopt the factual findings of the RTC as affirmed by the CA.

Similarly, we see no compelling reason to reverse the trial and appellate courts' finding as to the propriety of respondent's appointment as the judicial guardian of Lulu.[33] We therefore affirm her appointment as such. Consequently, respondent is tasked to care for and take full custody of Lulu, and manage her estate as well.[34]

Inasmuch as respondent's appointment as the judicial guardian of Lulu was proper, the issuance of a writ of habeas corpus in her favor was also in order.

A writ of habeas corpus extends to all cases of illegal confinement or detention or by which the rightful custody of person is withheld from the one entitled thereto.[35] Respondent, as the judicial guardian of Lulu, was duty-bound to care for and protect her ward. For her to perform her obligation, respondent must have custody of Lulu. Thus, she was entitled to a writ of habeas corpus after she was unduly deprived of the custody of her ward.[36]

WHEREFORE, the petitions are hereby DENIED.

Petitioners are furthermore ordered to render to respondent, Lulu's legal guardian, an accurate and faithful accounting of all the properties and funds they unlawfully appropriated for themselves from the estate of Maria Lourdes San Juan Hernandez, within thirty (30) days from receipt of this decision. If warranted, the proper complaints should also be filed against them for any criminal liability in connection with the dissipation of Maria Lourdes San Juan Hernandez's estate and her unlawful abduction from the custody of her legal guardian.

Treble costs against petitioners.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Leonardo-De Castro, and Bersamin, JJ., concur.

[1] "Ma. Teresa Hernandez-Villa Abrille" in some parts of the records.

[2] The Court of Appeals was impleaded as respondent but was excluded as party in these cases pursuant to Section 4, Rule 45 of the Rules of Court.

[3] Order dated July 31, 1968 in SP No. 1127 penned by Judge Andres Reyes of the Court of First Instance of Pasig, Rizal, Branch VI. Rollo (G.R. No. 166470), p. 128.

- [4] Referred to as Marylou Subdivision or Marilou Village Subdivision in some parts of the records.
- [5] Covered by TCT No. 248784. Rollo (G.R. No. 166470), p. 109.
- [6] Id., pp. 110-111.
- [7] Deed of Sale. Id., pp. 112-115.
- [8] Medical report dated September 18, 1998. Id., pp. 118-121.
- [9] Letter dated September 20, 1998. Id., pp. 116-117.
- [10] Docketed as Sp. Proc. No. 250. Id., pp. 99-102.
- [11] Lulu was examined by cardiologist-internist Perfecto Palafox, diabetologist-internist Rosa Allyn Sy and general practitioner Eliza Mei Perez. Surgeon Jacinto Bautista removed a mass from Lulu's ear lobe and skin.
- [12] Lulu was nearly blind due to cataract and suspected to have gallstones in her kidneys.
- [13] Penned by Judge Jose C. Reyes, Jr. Rollo, pp. 87-98.
- [14] Id., pp. 143-147.
- [15] Order dated April 26, 2002. Id., pp. 154-155.
- [16] Docketed as CA-G.R. CV No. 75760.
- [17] Penned by Associate Justice Delilah Vidallon-Magtolis (retired) and concurred in by Associate Justices Eliezer R. de los Santos (retired) and Monina Arevalo-Zeñarosa of the Special Fourth Division of the Court of Appeals. Dated December 29, 2004. Rollo (G.R. No. 166470), pp. 61-86.
- [18] Under Rule 45 of the Rules of Court.
- [19] Signed by Police Superintendent Nicolas M. Gregorio. Rollo (G.R. No. 169217), pp. 81-82.
- [20] Id., pp. 58-63.
- [21] Penned by Associate Justice Amelita G. Tolentino and concurred in by Associate Justices Roberto A. Barrios and Vicente S.E. Veloso of the Ninth Division of the Court of Appeals. Id., pp. 39-54.
- [22] Id., pp. 56-57.
- [23] Supra note 11.
- [24] Family Code, Arts. 194, 195 and 196 provide:
- Article 194. Support compromises everything indispensable for sustenance, dwelling, clothing, medical attendance, education and transportation, in keeping with the financial capacity of the family.
- The education of the person entitled to be supported referred to in the preceding paragraph shall include his schooling or training for some profession, trade or vocation, even beyond the age of majority. Transportation shall include expenses in going to and from school, or to and from place of work.
- Article 195. Subject to the provisions of the succeeding articles, the following are obliged to support each other to the whole extent set forth in the preceding article:
- The spouses;

- Legitimate ascendants and descendants;
- Parents and their legitimate children and the legitimate and illegitimate children of the latter;
- Parents and their illegitimate children and the legitimate and illegitimate children of the latter; and
- Legitimate brothers and sisters, whether of full or half-blood.

Article 196. Brothers and sisters not legitimately related, whether of the full or half-blood, are likewise bound to support each other to the full extent set forth in Article 194, except only when the need for support of the brother or sister, being of age, is due to a cause imputable to the claimant's fault or negligence.

[25] Report [the Court of Appeals] on the Condition of the Ward, Ma. Lourdes S.J. Fernandez, Annex "A." Rollo (G.R. No. 166470), pp. 248-249.

[26] Prepared by attending physician Edison C. Galindez, pp. 250-254.

[27] Section 50, Rule 130, Rules of Court, provides:

Section 50. Opinion of an Ordinary Witness. - The opinion of a witness for which proper basis is given shall be received in evidence regarding--

- (a) The identity of a person about whom he has adequate knowledge;
- (b) A handwriting with which he has sufficient familiarity; and
- (c) The mental sanity of a person with whom he is sufficiently acquainted.

The witness may also testify on his impression of the emotion, behavior, condition or appearance of a person. (emphasis supplied)

[28] *People v. Bacaling*, 447 Phil. 197, 204 (2003). (citations omitted)

[29] The opinions of Lulu's attending physicians have been verified by the 2001 medical report of Recovery.com which diagnosed Lulu's condition as unspecified mental retardation with psychoses.

[30] *People v. Bacaling*, *supra* note 28.

[31] Section 2, Rule 92, Rules of Court, provides:

Section 2. Meaning of word "incompetent." -- Under this rule, the word "incompetent" includes persons suffering the penalty of civil interdiction or who are hospitalized lepers, prodigals, deaf and dumb who are unable to read and write, those who are of unsound mind, even though they have lucid intervals, and persons not being of unsound mind, but by reason of age, disease, weak mind, and other similar causes, cannot, without outside aid, take care of themselves and manage their property, becoming thereby an easy prey for deceit and exploitation.

[32] *Goyena v. Ledesma-Gustilo*, 443 Phil. 150, 158-160 (2003). (citations omitted)

[33] See Rules of Court, Rule 93 for the qualifications of a judicial guardian.

[34] Section 1, Rule 96, Rules of Court, provides:

Section 1. To what guardianship shall extend. -- A guardian appointed shall have care and custody of the person of his ward, and the management of his estate, or the management of his estate only, as the case may be. The guardian of the estate of a nonresident shall have the management of all the estate of the ward within the Philippines, and no court other than that in which such guardian was appointed shall have jurisdiction over the guardianship. (emphasis supplied)

[35] *Ilusorio v. Bildner*, 387 Phil. 915, 922 (2000).

[36] See *Tijing v. Court of Appeals*, 406 Phil. 449 (2001).

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